



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 7052-99
17 February 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 26 July 1990 for four years and subsequently extended that enlistment for 40 months. At the time of reenlistment you had completed almost nine years of active service on prior enlistments.

On 20 February 1997 you received nonjudicial punishment (NJP) for unspecified violations of Articles 107 (False Official Statement), 111 (Drunken or Reckless Driving) and 134 (General Article) of the Uniform Code of Military Justice (UCMJ). The punishment imposed included forfeitures of pay totaling \$500 and a suspended reduction in rate from AZ2 (E-5) to AZ3 (E-4). On 12 May 1997 you received another NJP for unspecified violations of UCMJ Articles 86 (unauthorized absence) and 107. As a result of this continuing misconduct, the previous suspension was vacated and you were reduced in rate to AZ3. In addition, punishment imposed at the NJP included forfeitures of pay totaling \$300 and a suspended reduction in rate to AZAN (E-3).

In the performance evaluation for the period 26 February to 17 May 1997 you were not recommended for advancement or retention in the Navy. Subsequently, you were denied reenlistment because you had reached high year tenure as an E-4. The DD Form 214 is not

filed in the record, however, other documents show that you were discharged on 25 May 1997, the expiration of your enlistment as extended. You apparently received an honorable discharge and an RE-4 reenlistment code.

The Board concluded that a record which includes two NJP's for multiple offenses which resulted in your reduction to AZ3, and the adverse performance evaluation, were sufficient to support the assignment of an RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director